



**Information and Privacy  
Commissioner/Ontario**

**Commissaire à l'information  
et à la protection de la vie privée/Ontario**

# **ORDER PO-2076**

**Appeal PA-020344-1**

**Ministry of Labour**



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## **NATURE OF THE APPEAL:**

On June 3, 2002, the requester submitted a request under the *Freedom of Information and Protection of Privacy Act* (the *Act*) to the Archives of Ontario for access to a list of all food and alcohol expenses submitted to government expense accounts and/or credit cards by a former Minister of Labour and any members of his staff for the period June 17, 1999 to April 15, 2002. The requester also asked for details regarding these items, including the amount, time, place and name of the person who expensed them.

This request was forwarded to the Ministry of Labour (the Ministry) for processing. On June 12, 2002, the requester clarified his request with the Ministry as “all expense claims and receipts of the Minister, PA and staff in both offices for period from June 17, 1999 to April 15, 2002”.

Sections 26 and 29 of the *Act* require an institution to issue a decision within 30 days of receiving a request. The Ministry did not issue a decision within the prescribed 30-day time frame and accordingly, placed itself in a “deemed refusal” situation pursuant to section 29(4) of the *Act*.

On October 30, 2002, the requester (now the appellant) filed an appeal of the Ministry’s “deemed refusal” to provide access to the records.

On November 8, 2002, this Office sent a Notice of Inquiry to both the appellant and the Ministry, stating that the Ministry is in a “deemed refusal” situation because it did not issue a decision letter within the prescribed 30-day time frame. The Notice also advised that if this matter was not settled by November 25, 2002, the Mediator, in her capacity as acting-Adjudicator, may issue an order requiring the Ministry to issue a decision letter to the appellant.

During mediation, the Ministry advised that it was aiming to issue the decision letter on or before the deadline of November 25, 2002. A decision letter was not issued by November 25, 2002, and the Ministry advised the mediator that it would not be able to meet this deadline. To ensure that there are no further delays in processing this request, I am therefore ordering the Ministry to issue a decision regarding access.

## **ORDER:**

1. I order the Ministry to issue a decision letter to the appellant regarding access to the records in accordance with the *Act* and without recourse to a time extension, no later than December 4, 2002.
2. In order to verify compliance with Provision 1 of the order, I order the Ministry to provide me with a copy of the decision letter referred to in Provision 1 by **December 4, 2002**.

This should be forwarded to my attention, c/o Information and Privacy  
Commissioner/Ontario, 80 Bloor Street West, Suite 1700, Toronto, Ontario, M5S 2V1.

Original signed by: \_\_\_\_\_  
Shaun Sanderson  
Acting Adjudicator

\_\_\_\_\_ November 27, 2002